REMARKS

Applicants respectfully request reconsideration of the instant application in view of the amendments above and the following remarks. Claims 94-97 are hereby withdrawn without prejudice as drawn to a non-elected invention. Claims 100, 103, and 107 are amended. The support may be found 101, 104-106 and 108. Claim 111 has been amended to correct a typographical error (the term "of" is replaced with the term "or") and to bring the term "bacterial strain" into agreement with the antecedent bases requirement. Accordingly, no matter has been added with this response.

1. Election of the invention

In the Restriction Requirement, the Examiner requested that Applicants elect one of Group I (Claims 93-97), Group II (Claims 98-110) or Group III (Claims 111-113).

Applicants elect group Group II, Claims 98-110, with traverse. Specifically, Applicants note that the independent claim of Group II, namely, claim 98, essentially incorporates almost all limitations of the independent group of claim III, namely, claim 111. Accordingly, in searching for the prior art affecting patentability of claim 98, the Examiner will almost inevitably search for the prior art affecting patentability of claim 111. Accordingly, no significant burden on the Examiner is imposed. For these reasons, Applicants respectfully request the Examiner to re-join Groups II and III.

2. Election of the species

If the Examiner rejoins Groups II and III, as requested above, Applicants elect the following species:

a) With regard to the timing of adding the candidate, Applicants select the embodiment, wherein the candidate is added concurrently with the bacterial RlmA protein and the rRNA. This election is made without traverse.

b) With regard to the species of selectable label, Applicants elect the embodiment wherein the detectable label comprises a fluorescent label. This election is made without traverse.

c) With regard to the method of detection, Applicants elect the embodiment wherein the detection method comprises fluorescence polarization anisotropy measurements. This election is made with traverse.

Specifically, Applicants submit that out of the species identified by the Examiner, only two can arguably be considered mutually exclusive, namely, fluorescent resonance

energy transfer" and "fluorescence polarization anisotropy measurements." The experimental setup where the RlmA or rRNA are immobilized on a solid support does not exclude measurement of the fluorescent resonance energy transfer or fluorescence polarization anisotropy measurements. Further, any of the experimental designs described in the previous sentence may be conducted as a high-throughput assay. Therefore, the inventions of claims 99, 108 and 110 are capable of being practiced together. See, e.g., the application as published (US 20080057494), paragraph 0042, which states, in relevant part, as follows:

> In another aspect of the present invention, a high throughput in vitro assay (HTP-Assay) is developed to measure the affinity of binding various synthetic rRNA or RNA-knot substrates to $RlmA^{I}$ and $RlmA^{II}$ (the RlmA targets). These assays use standard methods of fluorescence resonance energy transfer (FRET), fluorescence polarization anisotropy with fluorophore-tagged RNA molecules or fluorophore-tagged RlmA target molecules to monitor interactions between these protein targets and various RNA molecules (RNA substrates), and to measure binding affinities.

For at least this reason, the embodiments recited in claims 99, 108, and 110 are not independent, and therefore, the requirement to elect one of these species is improper.

Thus, Applicants respectfully request that the Examiner withdraws the election of species requirement with regard to claims 99, 108, and 110.

Applicants also submit that claims 98-100, 102, 103, 106-108, 110-113 read on the elected species.

3. The meaning of the term "in vitro" as used in claims 111-113.

Applicants thank the Examiner for giving an early opportunity to clarify the meaning of the term "*in vitro*" as used in claims 110-113. Applicants agree that bacteria are living organisms, an therefore, reactions involving alive bacteria are generally considered to be "in vivo." Applicants respectfully submit that in the context of claims 110-113, the term "*in vitro*" refers to the location of the bacteria (i.e., whether the bacteria are grown in an infected organism or in culture). Thus, bacterial stains grown in culture (e.g., in Petri dishes) are located "*in vitro*" as opposed to being grown in an organism (e.g., mice infected with the given bacterial strain), in which case the bacteria would be located "*in vivo*." This interpretation is supported at least by claim 113.

CONCLUSION

In view of these amendments and remarks, Applicants believe that all concerns stated in the Restriction Requirement are now addressed in full and the application is in condition for examination on merits. If the Examiner does not believe that such action can be taken at this time or if the Examiner feels that a telephone interview is necessary or desirable, Applicants welcome the Examiner to call the undersigned at 609-844-3020.

The USPTO is authorized to charge Deposit Account No. 50-1943 for any charges in connection with this matter.

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Respectfully submitted,

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